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OFFICE OF PETITIONS

In re Application of
Donald R. Youell, Jr., et al.
Application No. 09/865,229
Filed: May 25, 2001
Attorney Docket No. ACP 2-021

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ON PETITION

This is a decision in response to the communication filed December 1, 2008, which is being treated as a renewed petition to revive the above-identified application under the provisions of 37 CFR 1.137(b).

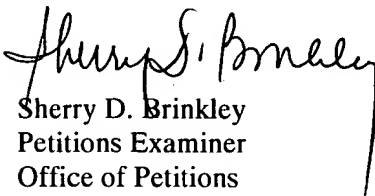
The petition is **GRANTED**.

This application became abandoned for a failure to take appropriate action in a timely manner after a decision by the Board of Patent Appeals and Interferences mailed August 10, 2007. On April 14, 2008, a petition to revive under the provisions of 37 CFR 1.137(a) or, alternatively, under 37 CFR 1.137(b) was filed. Each petition was dismissed in a decision mailed August 1, 2008. The petitions were renewed on September 2, 2008; however, they were dismissed by a decision mailed November 26, 2008. On December 1, 2008, the present petition was filed.

The present petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b); (2) the petition fee of \$770; and (3) an adequate statement of unintentional delay.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 12/313,281 filed September 2, 2008.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions